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EXAMINER

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ART UNIT PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/526,735
Filing Date: March 16, 2000
Appellant(s): DEVARAJAN ET AL.

MAILED

JUN 15 2005

Technology Center 2100

David J. Zibelli, Reg. No. 36,394
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/18/2004.

(1) Real Party in Interest

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is substantially correct, however, to be more concise, the invention is a method and system for booking a domain name that includes methods for reserving and registering a domain name.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 15-19 and 25-30 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Appellant's brief includes a statement that claims 20-24 and 31-35 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,560,634	BROADHURST	5-2003
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5,881,131	FARRIS	3-1999
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,560,634 to Broadhurst in view of U.S. Patent Number 5,881,131 to Farris et al..

As to claim 26, Broadhurst teaches a system for booking domain names over a network comprising: at least one load-balancing server, coupled to the network (col. 3, lines 44-65), adaptively configured to: receive a booking request, including at least one domain name, from a customer (col. 3, lines 44-65); a plurality of registration servers, coupled to the network, the load balancing server and a registration database (col. 3, lines 44-65), each of the plurality of registration servers adaptively configured to: receive a booking request forwarded from the load balancing server, determine whether the domain name is available, if so determined, present an option to book the domain name to the customer, the option including registering the domain name (col. 6, lines 10-37); receive a domain name registration request from the customer; and a plurality of registration servers, coupled to the network, the load balancing server and a registration database, each of the plurality of registration servers adaptively configured to: receive the domain name registration request forwarded from one of the plurality of registration servers, prompt the customer for a username and a password, present a domain name registration form to the customer in response to receipt of the username from the customer, present a cost

summary, a request for payment and a legal agreement to the customer in response to receipt of a completed domain name registration form from the customer and register the domain name in response to receipt of payment information and an acceptance of the legal agreement from the customer (col. 6, lines 44-67); however Broadhurst does not explicitly teach reservation system separate from the registration system or the use of a password.

Farris teaches a domain name booking system that includes both reservation and registration components (col. 31, lines 10-37) and the use of a password (col. 28, lines 7-27).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Broadhurst regarding the registration of domain names with the teachings of Farris regarding a domain booking system with both reservation and registration components because certain commercial entities may have rights to domain names that bear their trademarks (Farris, col. 31, lines 10-37).

As to claim 27, the Broadhurst-Farris combination makes claim 26 obvious; Broadhurst teaches domain name registering including account holder information, and contact information. Farris teaches the use of an account password (col. 28, lines 7-27).

As to claim 28, Broadhurst teaches a method of selecting a primary name server and secondary name server from a plurality of name servers; creating a first domain name entry in the primary name server and the second domain name entry in a secondary name server (col. 6, lines 44-67); create a template based on the domain name registration form; and store domain name information based on the template within the registration database (col. 6, lines 44-67).

As to claim 29, Broadhurst teaches a method wherein selecting the primary name server and the secondary name server is based on a load balancing procedure (col. 3, lines 44-65).

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As to claim 30, Broadhurst teaches a method wherein each of the plurality of registration servers is adapted to determine whether the domain name is already stored within the registration database and if so determined, invalidate the domain name registration request (col. 6, lines 15-37).

As to claims 15-19, they feature the same limitations as claims 26-30 and are rejected for the same reasons as claims 26-30.

As to claim 25, Broadhurst teaches a method comprising receiving the domain name from the customer, determining at least one alternative domain name based on the domain name; presenting the alternative domain name to the customer; and receiving the alternative domain name from the customer for booking (col. 6, lines 44-67).

Claims 20-24 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,560,634 to Broadhurst in view of U.S. Patent Number 5,881,131 to Farris et al. in further view of U.S. Patent Number 5,903,721 to Sixtus.

As to claim 31, Broadhurst teaches a system wherein a plurality of registration servers are adapted to: prompt the customer for a NIC handle in response to receipt of a domain name registration request from the customer (col. 6, lines 44-67); present a domain name registration agreement template to the customer in response to receipt of the NIC handle from the customer (col. 6, lines 44-67); present a cost summary, a request for payment and a legal agreement to the customer in response to receipt of a completed domain name registration agreement form from the customer (col. 6, lines 44-67); however the Broadhurst-Farris combination does not explicitly teach sending a email receipt and receiving an email confirmation.

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Sixtus teaches sending a first electronic mail message, including a completed agreement, to a customer in response to receipt of payment information and an acceptance of a legal agreement from the customer (col. 2, lines 41-55); and completing a transaction in response to receipt of a second email message, including a verified agreement from the customer (col. 2, lines 41-55).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Broadhurst regarding domain name registration with the teachings of Sixtus regarding email confirmations because email confirmations help verify a users intent (Sixtus, col. 2, lines 41-55).

As to claim 32, Broadhurst teaches a system wherein the domain name registration agreement template includes registrant information, administrative contact information, technical contact information and billing contact information (col. 6, lines 44-67).

As to claim 33, Broadhurst teaches a system wherein the completed domain name registration agreement includes a customer electronic mail address and name server information (col. 6, lines 44-67).

As to claim 34, Sixtus teaches a system wherein a third electronic mail is sent including a tracking number to a customer (col. 2, lines 41-55); Broadhurst teaches a system wherein domain name information is stored based on the verified domain name registration agreement in the registration database; and sent to a registry for registration (col. 6, lines 44-67).

As to claim 35, Broadhurst teaches a system wherein registration servers determine whether the domain name is already stored within the registration database and if so determined, invalidate the domain name registration request (col. 6, lines 44-67).

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As to claims 20-24, they feature the same limitations as claims 31-35 and are rejected on the same basis as claims 31-35.

(11) *Response to Argument*

The appellant's argument with regard to the 112 1st paragraph rejections is persuasive and thus the rejections are withdrawn.

The appellant has failed to address the objections to the drawings presented in the Final Office Action.

With regard to the obviousness rejection, the appellant argues that (a) Ferris does not teach a domain name booking system that includes both reservation and registration components and (b) the cited references do not disclose or suggest presenting a domain name reservation form to the customer or in response to receiving payment information and an acceptance of the legal agreement from the customer, reserving the domain name.

To address argument (a), the cited portion of Ferris is relied upon to show that a domain name can be implicitly reserved without necessarily being registered. Specifically, a group with a trademark has a reservation of a domain name even though the group may not have the domain name registered. Hence, Ferris shows that the conceptual differences of reserving a domain name versus registering a domain name were obvious at the time of the appellant's invention.

Broadhurst shows the process of registering a domain name as claimed by the applicant. The only difference between registering and reserving a domain name, as argued by the appellant on page 6, paragraph 3 of the appeal brief, is that the entry of the name server information is not necessary when reserving a domain name. According to the M.P.E.P section 2144, omission of

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an element and its function is obvious if the function of the element is not desired. So omitting the entry of name server information would be obvious in view of Broadhurst. Therefore, the concept of reservation is obvious even when reading the claims in light of the applicant's specification.

So as to argument (b), though the cited references may not teach that a "reservation" form can be sent to the customer or in response to receiving payment information and an acceptance of the legal agreement from the customer, Broadhurst does teach a "registration" form (col. 6, lines 44-67 and Figure 6C) that can be sent to the customer or in response to receiving payment information and an acceptance of the legal agreement from the customer which would render such a "reservation" form obvious.

For the above reasons, it is believed that the rejections should be sustained.


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Respectfully submitted,

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June 13, 2005

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